

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ALLEN SHUMATE,

Plaintiff,

v.

Case No: 20-10856

Judge David M. Lawson

Magistrate Michael J. Hluchaniuk

CITY OF ADRIAN, a municipal entity,
and OFFICER JEREMY POWERS,
in his individual and official capacities,

Defendants.

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PLAINTIFF'S RULE 26(a)(3) PRETRIAL DISCLOSURES

Plaintiff, ROBERT ALLEN SHUMATE, by and through his attorneys,
FIEGER, FIEGER, KENNEY & HARRINGTON, P.C., submits the
following pretrial disclosures in accordance with Rule 26(a)(3) of the Federal
Rules of Civil Procedure, and currently identify the following:

I. Rule 26(a)(3)(A)(i) – the name and, if not previously provided, the address and telephone number of each witness—separately identifying those the party expects to present and those it may call if the need arises.

Witnesses Plaintiff expects to present:

1. Robert Allen Shumate, c/o counsel for Plaintiff.
2. Amy Shumate, c/o counsel for Plaintiff, 615 Church St., Adrian, MI 49221.
3. Officer Jeremy Powers, c/o counsel for Defendants.
4. Dr. Aaron Westrick, c/o counsel for Plaintiff, 3006 Fall Park Road, Boyne City, MI 49712.
5. Chief Vincent Emrick, c/o counsel for Defendants, 155 E Maumee Street, Adrian, MI 49221.
6. Officers from the Adrian Police Department - Officer West, Sergeant Paine, Officer Jeffrey Rejc, Officer Vanalstine, Officer Derek Helinski, and custodian of records, c/o counsel for Defendants, 155 E Maumee Street, Adrian, MI 49221.
7. Officers from the Adrian Township Police Department - Police Officer Samuel Cubba, Sergeant Briggs, and custodian of records, c/o counsel for Defendants, 3967 Hunt Rd, Adrian, MI 49221.
8. Adrian Fire Department – Todd Rice, Kyle Johnson, and custodian of records, 208 Main Street, Adrian, MI 49221.

9. Dr. Vanessa Calabria, 818 Riverside Ave., Adrian, MI 49221.
10. Dr. Joshua Rubin, 818 Riverside Ave., Adrian, MI 49221.
11. Karen Holtz, RN, 818 Riverside Ave., Adrian, MI 49221.

Witnesses Plaintiff may present if the need arises:

1. Madelyn Shumate, c/o counsel for Plaintiff.
2. William Shumate, c/o counsel for Plaintiff.
3. Stacy Halsey, c/o counsel for Plaintiff.
4. Nettie Ketchum, c/o counsel for Plaintiff.
5. Dustin Johnson and/or custodian of records for CVS, 1003 N Main St, Adrian, MI 49221.
6. Lenawee County Sheriff's Department - Sergeant Kourt, and custodian of records, 405 N Winter St, Adrian, MI 49221.
7. Daniel Grant, Defendant's expert in police policies and procedures, c/o counsel for Defendants.
8. Custodian of records for ProMedica Bixby Hospital, 818 Riverside Ave., Adrian, MI 49221.
9. Dr. Per Okey, MD, 1200 N Main St., Adrian, MI 49221.
10. Custodian of records for the Social Security Administration.
11. Custodian of records for the Internal Revenue Service.
12. Custodian of records for the 2-A Judicial District Court, 425

North Main St., Adrian, MI 49221.

II. Rule 26(a)(3)(A)(ii) – The designation of those witnesses whose testimony the party expects to present by deposition and, if not taken stenographically, a transcript of the pertinent parts of the deposition.

Plaintiff does not expect to present testimony by deposition.

III. Rule 26(a)(3)(A)(iii) – an identification of each document or other exhibit, including summaries of other evidence—separate identifying those items the party expects to offer and those it may offer if the need arises.

Exhibits Plaintiff expects to offer:

1. All Adrian Police Department records, Case Reports, investigations, photographs, sketches and files, Taser Report, related to this incident, including but not limited to No. 190012405.

2. Adrian Police Complaint Investigations/Complaint Details documents produced by Defendants, including but not limited to 17-15, 18-1, 19-17, 19-27, and 19-32.

3. Any and all videos of the incident, including Defendant Powers' body-cam, and CVS videos.

4. Any and all photographs of the incident, Defendant, and/or Plaintiff during the incident and/or of his injuries, including but not limited to the photographs taken by Amy Shumate.

5. Any photographs taken in association with the events described in the Complaint or relating to the events described in the Complaint, to include scene and injury photographs, as well as Plaintiff's family photographs and/or memorabilia.

6. Any and all taped interviews or handwritten statements of witnesses and/or Defendant officer and/or investigating officers relating to the incident that is the subject of Plaintiff's Complaint.

7. Amy Shumate witness statement.

8. ProMedica Bixby Hospital medical records.

9. Dr. Aaron Westrick's declaration and report.

10. Deposition Transcript of Chief Vincent Emrick.

11. Deposition Transcript of Jeremy Powers.

12. Adrian Fire Department report/patient care record.

13. Training records and certifications of Jeremy Powers.

14. Prior complaints and investigations of Jeremy Powers.

15. Disciplinary records of Jeremy Powers.

16. Any and all Adrian Police Department policies and procedures documents, whether or not produced in this action, including but not limited to field and in service training; use of force reporting, taser and less than lethal

weapons, authorized weapons, rules and regulations, disciplinary procedures, recruiting, and selection and hiring requirements.

17. Adrian Township police case report.

18. Lenawee County Sheriff's report.

Exhibits Plaintiff may offer if the need arises:

1. Defendants' expert Daniel Grant written report.

2. Judicial District Court hearing transcripts.

3. The parties' disclosures and discovery responses, and documents related to same.

4. Deposition Transcript of Robert Shumate.

5. Deposition Transcript of Amy Shumate.

6. Any and all documents or physical evidence identified on Defendants' disclosures and/or produced in discovery.

7. Any and all documents or physical evidence necessary for rebuttal purposes.

8. CMS lien information.

9. Robert Shumate's social security records.

10. Plaintiff Robert Shumate's tax returns

11. All filings, pleading and other such papers, including attachments thereto.

Respectfully submitted,

***FIEGER, FIEGER, KENNEY
& HARRINGTON, P.C.***

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Dated: June 1, 2021